

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHN DIEKMAN :
Plaintiff :
: CIVIL ACTION NO. 02-4681
v. :
: ENERGY CHOICE MARKETING,
INC., ET AL. :
Defendants :
:

STIPULATION OF DISMISSAL

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, it is hereby stipulated by and between the parties that this action be and hereby is (i) dismissed without prejudice as to defendants Energy Choice Marketing, Inc. and Consumer Choice, Inc; (ii) dismissed with prejudice as to defendants Shai Fishman and S&D Marketing, Inc.; and (iii) the counterclaim against plaintiff John Diekman is dismissed without prejudice.

RYAN, BROWN, McDONNELL,
BERGER & GIBBONS, P.C.

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SO ORDERED:

Joyner, J.

July ___, 2004